

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**NORTH SHORE AMBULANCE
AND OXYGEN SERVICE, INC.**

Employer

and

Case 29-RC-185400

**LOCAL 726, INTERNATIONAL,
UNION OF JOURNEYMEN AND
ALLIED TRADES,**

Petitioner

**MOTION TO TAKE JUDICIAL NOTICE OF A BOARD DOCUMENT IN THIS
CASE OR IN THE ALTERNATIVE TO SUPPLEMENT THE RECORD**

North Shore Ambulance and Oxygen Service, Inc.'s ("North Shore"), moves the Board to take judicial notice of a Board document in this case or in the alternative to supplement the record as follows:

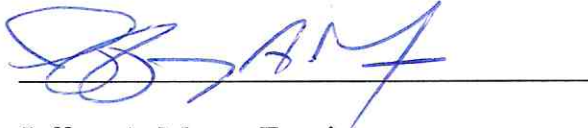
On December 15, 2016 North Shore filed its Request for Review of the Regional Director's Decision on Objections and Certification of Representative in connection with this matter. Appended to this Motion is the Stipulated Election Agreement governing the election at issue which took place on October 28, 2016.

This is the Board's own document and, therefore, the Board can and should take judicial notice of it.

For this reason, North Shore respectfully requests that this motion be granted.

DATED: December 15, 2016

KAUFMAN DOLOWICH & VOLUCK, LLP



Jeffery A. Meyer, Esquire
Aaron N. Solomon, Esquire
Attorneys for Employer
NORTH SHORE AMBULANCE AND OXYGEN
SERVICE, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Motion was served on the Union and the attorney for the union at their respective business addresses indicated below:

Nicholas Dippolito, Business Agent Local 726, IUJAT 93 Lake Ave, Suite 103 Danbury CT 06810	Gary P. Rothman, Esq. Attorney for the Union Rothman Rocco Laruffa, LLP 3 W. Main Street, Suite 200 Elmsford, NY 10523
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via ☐ hand delivery, ☐ email, ☐ facsimile, ☒ overnight-next day delivery, and/or ☐ First Class U.S. Mail with proper postage prepaid, at or before the hour of 5:00 p.m., on **December 15, 2016.**


Jeffery A. Meyer, Esq.

December
Sworn before me this 15th Day of November, 2016



Notary public
4823-9095-7627, v. 1

MATTHEW ERIC COHEN
Notary Public State of New York
No. 02CO6225841
Qualified in Nassau County
Commission Expires 2018

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

NORTH SHORE AMBULANCE AND OXYGEN SERVICE, INC. Case 29-RC-185400

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

North Shore Ambulance and Oxygen Services, Inc., herein called the Employer, a domestic corporation, with its principal office and facility located at 112-09 14th Avenue, College Point, New York, herein called the College Point facility, has been engaged in providing ambulance and ambulette transportation services for patients throughout New York City. During the past year, which period is representative of its annual operations generally, the Employer, in the course and conduct of its business operations, derived annual gross revenue in excess of \$250,000 and purchased and received at its College Point facility, goods and materials valued in excess of \$5,000 from points located directly outside the State of New York. The Employer is engaged in commerce within the meaning of the Act.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: October 28, 2016 **HOURS:** 12:30 p.m. to 3:30 p.m. and 6:00 p.m. to 8:00 p.m.

PLACE: In the Executive Waiting Room of the Main Office Trailer at the Employer's Facility located at
112-09 14TH AVENUE
COLLEGE POINT, NY

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Initials: 

Included: All full-time and regular part-time ambulette drivers and helpers employed by the Employer at its College Point, New York facility.

Excluded: All other employees including ambulance drivers, clerical, guards and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 7, 2016**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by LOCAL 726, INTERNATIONAL UNION OF JOURNEYMEN AND ALLIED TRADES?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

Initials: 

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The Employer will provide the Region with a designated Notice of Election onsite representative prior to the date of the election noted above.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**NORTH SHORE AMBULANCE AND
OXYGEN SERVICE, INC.**

(Employer)

By

(Name)

(Date)

Jeffery A. Meyer
10/13/16
ATTORNEY FOR EMPLOYER

**LOCAL 726, INTERNATIONAL UNION OF
JOURNEYMEN AND ALLIED TRADES**

(Petitioner)

By

(Name)

(Date)

William Taylor
10/13/16
LOCAL 726 UAW
(Union)

Recommended:

Noor I. Alam
10/13/16
NOOR I. ALAM, Field Attorney (Date)

Date approved:

Kathy Drew-Young
Regional Director, Region 29
National Labor Relations Board

KATHY DREW-YOUNG, REGIONAL DIRECTOR